# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/982,337 | 10/18/2001 | Todd Ouzts | MFCP.88143 | 6724 |

| 45809          7590          01/23/2006 | EXAMINER |
|---|---|
| SHOOK, HARDY & BACON L.L.P. | BONSHOCK, DENNIS G |

| (c/o MICROSOFT CORPORTATION) 2555 GRAND BOULEVARD | ART UNIT | PAPER NUMBER |
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| KANSAS CITY, MO 64108-2613 | 2173 | |

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/982,337 | OUZTS ET AL. |
| | Examiner | Art Unit | |
| | Dennis G. Bonshock | 2173 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>04 November 2005</u>.

2a)☒ This action is **FINAL.**     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-12 and 14-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## Final Rejection

### *Response to Amendment*

1.      It is hereby acknowledged that the following papers have been received and

placed on record in the file:  Amendment as received on 11-04-2005.

2.      Claims 1-20 have been examined.

Status of Claims:

3.      Claims 9-12, 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker and Scott et

al., Patent #6,545,687, hereinafter Scott.

4.      Claims 1, 2, 7, 8, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker , Scott et al.,

Patent #6,545,687, hereinafter Scott, and Hatanaka et al., Patent #5,680,558,

hereinafter Hatanaka.

5.      Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Baecker, Scott, Hatanaka, and Poole, *Macworld Mac OS 8.5 Bible,* hereinafter Poole.

6.      Claim 13 has been cancelled by the applicant.

### *Claim Rejections - 35 USC § 112*

7.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

8.      Claims 9 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential structural cooperative relationships of elements, such

omission amounting to a gap between the necessary structural connections. See

MPEP § 2172.01. The omitted structural cooperative relationships are: the claims

states that content items are graphically displayed, but later go on to state displaying

"without displaying the collection of content items."


## *Claim Objections*

9.      Claim 9 is objected to because of the following informalities:  the claims states

"dispalying the collection of content items.", which is believed to be a misspelled

"displaying the collection of content items." Appropriate correction is required.

10.     Claim 18 is objected to because of the following informalities:  the claims states

"conetnt items", which is believed to be a misspelled "content items". Appropriate

correction is required.


## *Claim Rejections - 35 USC § 103*

11.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.     Claims 9 –12, 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker and Scott et

al., Patent #6,545,687, hereinafter Scott.

13.     With regard to claim 9, which teaches a method in a computer system for

displaying a collection of content items within a container, comprising:  providing a

collection of items within a background appearance, Baecker teaches, in column 6, line

53 through column 7, line 29 and in figure 6, representing the actual contents of

particular documents in a frame, where the folder, as shown in figure 6, is known in the

art to comprise a background appearance.  With regard to claim 9, which further

teaches displaying a graphical preview of at least one item on the outer appearance of

the container, if the collection can be graphically represented, Baecker teaches, in

column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6,

generating scaled down representations of the available items.  Baecker teaches

showing icons on the outer appearance, of an insider representation of an icon, but

doesn't teach displaying an icon on the outside of a representation of a folder.  Baecker

teaches showing icons on the outer appearance, of an insider representation of an icon,

but doesn't specifically teach (or at least as clearly as the supplemental reference)

displaying items "without displaying the collection of content items", or displaying a

textual message in addition to the background appearance and the graphical preview.

Scott teaches a system that displays a hierarchy of thumbnails encompassed in a

grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15),

similar to that of Baecker, but further teaches that the graphical previews, even if they

contain further groupings, are still represented by a further grouping or thumbnails

which can be accessed to view only that particular subset of items (as opposed to an

entire hierarchy) (see column 13, lines 35-67 and figures 14 and 15) and the groups of

elements having textual messages associated with them (see column 13, lines 35-67

and figures 14 and 15). It would have been obvious to one of ordinary skill in the art,

having the teachings of Baecker and Scott before him at the time the invention was

made to modify thumbnail display of Baecker to include the sub-group thumbnail

representations, as did Scott. One would have been motivated to make such a

combination because this provides the user with a dipicition of the items all through the

hierarchical arrangement without the need for drilling (though they can if desired to

focus in).

14.     With regard to claim 10, which teaches the container being a folder and the

background appearance being that of a closed folder, Baecker further teaches, in

column 4, lines 20-25 and in figure 6, the generated image being a scaled down replica

of the actual document and being displayed on the folder, where the folder, as shown in

figure 6, is known in the art to comprise a background appearance. Furthermore Scott

further teaches an embodiment where the image for the represented file is displayed on

the outside of a graphical representation of a folder (see figures 14 and 15).

15.     With regard to claim 11, which teaches the container being a folder and the

background appearance being that of a photo album, Baecker further teaches, in

column 4, lines 20-25, column 7, lines 21-29, and in figure 6, the generated image being

a scaled down replica of the actual document and being displayed on the folder, and the

images being able to be graphical images (pictures). Furthermore Scott further teaches

an embodiment where the image for the represented file is displayed on the outside of a

graphical representation of a folder (see figures 14 and 15).

16.    With regard to claim 12, which teaches at least one graphical preview being a

preview of a electronic picture contained in the folder, Baecker further teaches, in

column 6, lines 53 through column 7, line 29, a preview representing a graphic

document in a folder.

17.    With regard to claim 14, which teaches a computer readable medium having

computer readable instructions for performing the system, Baecker teaches, in column

4, lines 20-25, the system being implemented on a computer.

18.    With regard to claim 15, which teaches a computer system for displaying a

collection of items on a display using a graphical operating environment, comprising:  an

item collection manager for providing a collection of items within a container, the

container having a background appearance, Baecker teaches, in column 6, line 53

through column 7, line 29 and in figure 6, representing the actual contents of particular

documents in a frame.  With regard to claim 15, which further teaches a display provider

for displaying a graphical preview of at least one item on the background appearance of

the container, Baecker teaches, in column 6, line 53 through column 7, line 29, column

7, lines 42-60, and in figure 6, the items being represented by a scaled down

representation of the item on a folder icon.  With regard to claim 15, further teaching

enabling a computer user to more easily identify the contents of the container without

opening the container, Baecker teaches, in column 6, line 53 through column 7, line 29

and in figure 6, the representations being viewable without opening the files.  Baecker

teaches showing icons on the outer appearance, of an insider representation of an icon,

but doesn't specifically teach (or at least as clearly as the supplemental reference)

displaying items "without displaying the collection of content items", or displaying a

textual message in addition to the background appearance and the graphical preview.

Scott teaches a system that displays a hierarchy of thumbnails encompassed in a

grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15),

similar to that of Baecker, but further teaches that the graphical previews, even if they

contain further groupings, are still represented by a further grouping or thumbnails

which can be accessed to view only that particular subset of items (as opposed to an

entire hierarchy) (see column 13, lines 35-67 and figures 14 and 15) and the groups of

elements having textual messages associated with them (see column 13, lines 35-67

and figures 14 and 15). It would have been obvious to one of ordinary skill in the art,

having the teachings of Baecker and Scott before him at the time the invention was

made to modify thumbnail display of Baecker to include the sub-group thumbnail

representations, as did Scott. One would have been motivated to make such a

combination because this provides the user with a dipicition of the items all through the

hierarchical arrangement without the need for drilling (though they can if desired to

focus in).

19.     With regard to claim 18, which teaches the graphical preview being a pictorial

representation of one or more images associated with the at least one of the content

items, Baecker teaches the graphical previews representing the actual content of the

objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation

showing reduced size images of the actual content (see column 13, lines 35-67, column

7, lines 28-64, and figures 14 and 15).

20.     With regard to claim 19, which teaches the graphical preview being a pictorial

representation of one or more images associated with the at least one item, Baecker

teaches the graphical previews representing the actual content of the objects (see

column 7, lines 10-29).  Scott elaborates on these thumbnail representation showing

reduced size images of the actual content (see column 13, lines 35-67, column 7, lines

28-64, and figures 14 and 15).


21.     Claims 1, 2, 7, 8, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker , Scott et al.,

Patent #6,545,687, hereinafter Scott, and Hatanaka et al., Patent #5,680,558,

hereinafter Hatanaka.

22.     With regard to claim 1, which teaches a method of use on a computer having a

graphical operating environment, comprising:  providing a collection of items within a

container, the container having a outer appearance, Baecker teaches, in column 6, line

53 through column 7, line 29 and in figure 6, representing the actual contents of

particular documents in a frame.  With regard to claim 1, which further teaches

displaying a graphical preview of at least one item on the outer appearance of the

container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7,

lines 42-60, and in figure 6, the items being represented by a scaled down

representation of the item shown on the folder.  With regard to claim 1, further teaching

locating the graphical preview on the outer appearance in a desired location, Baecker

teaches, in column 6, lines 63-66 and in figure 6, showing preview icons on the outer

appearance, of an inside representation of an icon, in the corresponding location, for

each icon contained in the folder.  With regard to claim 1, further teaching enabling a

computer user to more easily identify the contents of the container without opening the

container, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure

6, the representations being viewable without opening the files.  Baecker teaches

showing icons on the outer appearance, of an insider representation of an icon, but

doesn't specifically teach (or at least as clearly as the supplemental reference)

displaying an icon on the outside of a representation of a folder, wherein the graphical

preview is not a folder, and the graphical preview is generated by a thumbnail extractor

based on extensions associated with the at least one item.  Scott teaches a system that

displays a hierarchy of thumbnails encompassed in a grouping (see column 13, lines

35-67, column 2, lines 62-67, and figures 14 and 15), similar to that of Baecker, but

further teaches that the graphical previews, even if they contain further groupings, are

still represented by a further grouping or thumbnails (as opposed to a folder icon) (see

column 13, lines 35-67 and figures 14 and 15).  It would have been obvious to one of

ordinary skill in the art, having the teachings of Baecker and Scott before him at the time

the invention was made to modify thumbnail display of Baecker to include the sub-group

thumbnail representations, as did Scott.  One would have been motivated to make such

a combination because this provides the user with a dipicition of the items all through

the hierarchical arrangement without the need for drilling (though they can if desired to

focus in).  Scott further teaches particular programs for creating the thumbnail images

(JPEG compression, SWEET compression, etc.) (see column 7, lines 28-64), but

doesn't specifically teach the particular extractor being based on the extension associated with the at least one item. Hatanaka teaches a system which extracts reduced size images from items (see column 1, lines 15-36 and column 2, lines 63-67), similar to that of Baecker and Scott, but further teaches the extraction process first recognizing the extensions of the particular file in order to direct it to the correct thumbnail generator for the given format (see abstract, column 1, lines 15-36, column 6, line 63 through column 7, line 11, and figure 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker, Scott, and Hatanaka before him at the time the invention was made to modify the hierarchal thumbnail displays that extract thumbnails from images of Baecker and Scott to have the same thumbnail selection based on extensions, as did Hatanaka. One would have been motivated to make such a combination because this provides a more accurate depiction of items on the display customized to the particular element format.

23.    With regard to claim 2, which teaches, enumerating the items that exist within the container, Baecker teaches, in column 7, lines 2-9, keeping numbers regarding the number of icons displayed and the number of icons displayable. With regard to claim 2, further teaching, determining whether a graphical preview can be generated for each enumerated item, and generating a list of items for which a graphical preview can be generated, Baecker further teaches, in column 7, lines 41-59 and column 4, line 63 through column 5, line 7, generating a preview from the available images and storing them in memory for use by other folders.

24.    With regard to claim 7, which teaches the preview being a thumbnail image of an

item contained within the container, Baecker further teaches, in column 4, lines 20-25,

lines 63-66, column 7, lines 45-47, and in figure 6, the generated image being a scaled

down replica of the actual document and being displayed on the folder.

25.    With regard to claim 8, which teaches a computer readable medium having

computer readable instructions for performing the system, Baecker teaches, in column

4, lines 20-25, the system being implemented on a computer.

26.    With regard to claim 16, which teaches a computer system for displaying a

collection of items on a display using a graphical operating environment, comprising:  a

background appearance rendering component for providing a collection of items within

a background appearance, Baecker teaches, in column 6, line 53 through column 7, line

29 and in figure 6, representing the actual contents of a particular documents in a

frame, where the folder, as shown in figure 6, is known in the art to comprise a

background appearance.  With regard to claim 16, which further teaches a graphical

preview rendering component for displaying a graphical preview of at least one item on

the outer appearance of the container, if the collection can be graphically represented,

Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60,

and in figure 6, generating scaled down representations of the available items.  Baecker

teaches showing icons on the outer appearance, of an insider representation of an icon,

but doesn't specifically teach (or at least as clearly as the supplemental reference)

displaying an icon on the outside of a representation of a folder, wherein the graphical

preview is not a folder, and the graphical preview is generated by a thumbnail extractor

based on extensions associated with the at least one item, or a textual message in addition to the background appearance. Scott teaches a system that displays a hierarchy of thumbnails encompassed in a grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15), similar to that of Baecker, but further teaches that the graphical previews, even if they contain further groupings, are still represented by a further grouping or thumbnails (as opposed to a folder icon) (see column 13, lines 35-67 and figures 14 and 15) and the groups of elements having textual messages associated with them (see column 13, lines 35-67 and figures 14 and 15). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Scott before him at the time the invention was made to modify thumbnail display of Baecker to include the sub-group thumbnail representations, as did Scott. One would have been motivated to make such a combination because this provides the user with a dipicition of the items all through the hierarchical arrangement without the need for drilling (though they can if desired to focus in). Scott further teaches particular programs for creating the thumbnail images (JPEG compression, SWEET compression, etc.) (see column 7, lines 28-64), but doesn't specifically teach the particular extractor being based on the extension associated with the at least one item. Hatanaka teaches a system which extracts reduced size images from items (see column 1, lines 15-36 and column 2, lines 63-67), similar to that of Baecker and Scott, but further teaches the extraction process first recognizing the extensions of the particular file in order to direct it to the correct thumbnail generator for the given format (see abstract, column 1, lines 15-36, column 6, line 63 through column 7, line 11, and figure 10) and the images

having an associated textual message (see column 1, lines 24-27 and figure 11). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker, Scott, and Hatanaka before him at the time the invention was made to modify the hierarchal thumbnail displays that extract thumbnails from images of Baecker and Scott to have the same thumbnail selection based on extensions, as did Hatanaka. One would have been motivated to make such a combination because this provides a more accurate depiction of items on the display customized to the particular element format. .

27.     With regard to claim 17, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one of the content items, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

28.     With regard to claim 20, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one of any of the collection of content items, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

29.    Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Baecker, Scott, Hatanaka, and Poole, *Macworld Mac OS 8.5 Bible,* hereinafter Poole.

30.    With regard to claim 3, Baecker teaches, in column 7, lines 2-9, a limited number

of items being able to be displayed on a folder, but doesn't specifically teach a means of

sorting the data.  Poole teaches a system of displaying a reduced size representation of

a picture as an icon (see page 159), but further teaches sorting the items displayed (see

page 123).  It would have been obvious to one of ordinary skill in the art, having the

teachings of Baecker, Scott, Hatanaka, and Poole before him at the time the invention

was made to modify the system of displaying reduced images in a folder view of

Baecker, Scott, and Hatanaka to show the images based on some sort criteria.  One

would have been motivated to make such a combination because this would help to

provide a most representative set of data displayed in a limited area.

31.    With regard to claim 4, Baecker teaches, in column 7, lines 2-9, a limited number

of items being able to be displayed on a folder, but doesn't specifically teach a means of

sorting the data, by most recently modified.  Poole teaches a system of displaying a

reduced size representation of a picture as an icon (see page 159), but further teaches

sorting the items displayed by the modified date (see page 123).  It would have been

obvious to one of ordinary skill in the art, having the teachings of Baecker, Scott,

Hatanaka, and Poole before him at the time the invention was made to modify the

system of displaying reduced images in a folder view of Baecker, Scott, and Hatanaka

to show the images based on some sort criteria.  One would have been motivated to

make such a combination because this would help to provide a most representative set of data displayed in a limited area.

32.     With regard to claim 5, which further teaches sizing the preview on the outer appearance, Baecker further teaches, in column 7, lines 41-59, sizing the preview and, in column 4, line 63 through column 5, line 7, the moving about of icon information.

33.     With regard to claim 6, which teaches determining if a graphical preview image has previously been generated and stored, and if so, displaying the previously generated previews, Baecker further teaches, in column 6, lines 53-60 and in column 4, line 63 through column 5, line 7, storing small graphical images for later retrieval.

### *Response to Arguments*

34.     The arguments filed on 11-04-2005 have been fully considered but they are not persuasive.  Reasons set forth below.

35.     Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

36.     Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37.     A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

38.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047.  The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.
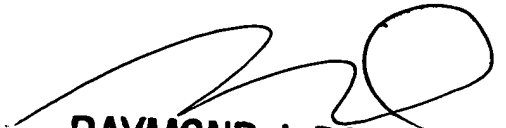
39.     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40.    Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


1-18-06
dgb


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173